




PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 06975-206001
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450. _____ Date of Deposit _____ Signature _____ Typed or Printed Name of Person Signing Certificate	Application Number 09/867,546	Filed May 31, 2001
	First Named Inventor Patrick Meenan	
	Art Unit 2666	Examiner Michael J. Moore, Jr.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record (Reg. No. 43,594)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<p><input checked="" type="checkbox"/> Total of 1 forms are submitted.</p>		



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Patrick Meenan
Serial No. : 09/867,546
Filed : May 31, 2001
Title : LOCAL PROTOCOL SERVER

Art Unit : 2666
Examiner : Michael J. Moore, Jr.

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1-64 are pending, with claims 1, 14, 28, and 42 being independent. Claims 1-64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chiles et al. (U.S. 6,618,393) in view of Rai et al. (U.S. 6,577,643).

Applicants respectfully traverse, and hereby ask the panel to review and reverse, this rejection, as the combination of Chiles and Rai fails to disclose or suggest at least one feature recited by the rejected claims – namely a protocol server receiving configuration data assigned by the host system.

Discussion:

Independent claim 1 recites a protocol server structured and arranged to “receive configuration data assigned by the host system.” Chiles fails to teach this limitation. Instead of receiving configuration data from the host system, Chiles explicitly teaches its readers to obtain configuration data from a local user. See elem. 56, Fig. 2 (“User Provided Address Configuration (CIP, IPX, Etc)”). In fact, the Final Office Action directly acknowledges that Chiles fails to meet this limitation. See Final Office Action from August 3, 2005, pages 3-4 (“Chiles does not explicitly teach the reception of configuration data by the host system and the transporting of translated data packets to the destination using this configuration data.”).

Recognizing the shortcomings of Chiles, the Office Action appears to rely upon Rai to suggest the obviousness of providing the spoofing module (protocol server) of Chiles with a host-assigned configuration data. Specifically, the Office Action contends that Rai shows a PPP server assigning an IP address to a client device via IP Control Protocol (IPCP), argues that modifying Chiles to integrate this functionality would have been obvious, and contends that such a modification would suggest the claimed provision of host-supplied configuration data to the protocol server. See Final Office Action from August 3, 2005, page 4.

Applicant disagrees. The combination of Chiles and Rai is redundant and still fails to disclose the claimed limitation. Specifically, the functionality taught by Rai is already disclosed in Chiles – neither suggesting the claimed limitation of providing host-supplied configuration data to a protocol server.

Rai teaches a PPP server that assigns an IP address to a PPP client via IPCP. See Rai, Col. 10:11-25. This teaching is similar to Chiles, which also discloses a PPP peer emulation module 52 (protocol server) negotiating an IP address with a PPP module (client) via IPCP. See, e.g., Col. 6: 43-48. Yet, each of Chiles and Rai fail to disclose the provision of host-supplied configuration address information to the PPP server.

In contrast to both Chiles and Rai, the rejected claims require that a protocol server receive configuration data, such as IP address, from the host system. In other words, the claimed limitation describes how the protocol server obtains configuration data, but is not concerned with

how the protocol server later assigns this data to a client. Chiles, Rai, or their combination do not teach this specific limitation. By contrast, Chiles is clear in its indication to the contrary – expressly indicating that the PPP peer emulation module (protocol server) obtains the IP address (configuration data) from the user. And Rai is altogether silent on how the PPP server obtains the IP address before assigning it to the client.

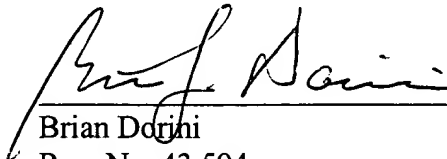
As a result, Chiles and Rai fail, expressly and implicitly, alone or in combination, to disclose or suggest the claimed protocol server receiving configuration data assigned by the host system. For at least these reasons, Applicants respectfully request withdrawal of the § 103(a) rejection of claims 1-64.

In view of the above, all of the claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: NOVEMBER 3, 2005



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